

Title 6

ANIMALS

Chapters:

6.05 Animals

6.10 Stock Restricted Areas

Chapter 6.05

ANIMALS

Sections:

- 6.05.010 Definitions.
- 6.05.020 Prohibited activities of dogs.
- 6.05.030 Animals at large.
- 6.05.040 Cruelty to animals.
- 6.05.050 Dangerous animals.
- 6.05.060 Dangerous dogs.
- 6.05.070 Impounding.
- 6.05.080 Injured or diseased animals.
- 6.05.090 Redemption.
- 6.05.100 Violation - Penalties.

6.05.010 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions shall apply:

(1) "Adequate shelter" means a moisture proof and wind proof structure that allows the animal to turn around freely, sit easily, stand and lie normally and that keeps the animal clean, dry and comfortable.

(2) "Adult dog and adult cat" means any dog or cat past the age of six months, or whose permanent canine teeth have erupted through the gum line.

(3) "Animal control authority" means the Lewis County sheriff and/or his authorized personnel.

(4) "Animal shelter division" means the Lewis County Animal Shelter.

(5) "At large" means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.

(6) "Competent person" means a person who is able to sufficiently care for, control, and restrain his/her animal, and who has the

capacity to exercise sound judgment regarding the rights and safety of others.

(7) "Dangerous dog" means any dog that, according to the records of the appropriate authority, has:

(a) Inflicted severe injury on a human being without provocation on public or private property; or

(b) Killed a domestic animal without provocation while off the owner's property; or

(c) Has been previously found to be potentially dangerous, and the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(8) "Designated animal holding facility" means the Lewis County Animal Shelter, or any other facility designated by the Lewis County Animal Shelter.

(9) "Domestic animal" means those domestic beasts such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or hog, or other animal made to be domestic.

(10) "Hearing officer" means one or more officers appointed by the board of county commissioners to hear civil appeals relating to the enforcement of this title. The hearing officer may be a county employee, but shall not be an employee of the Lewis County Animal Shelter, sheriff's office or prosecuting attorney's office. Contracts may be entered into with private persons to act as hearings officers, to be compensated as shall be provided from monies available and budgeted.

(11) "Humanely destroy" means the destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

(12) "Humane officer" means any individual appointed by the Lewis County

Sheriff's Office with a limited law enforcement commission for the purpose of enforcement of statutes pertaining to the care and treatment of animals as well as other legislation directly related to animal neglect or abuse.

(13) "Keeper" means any person performing any of the acts of providing care, shelter, protection, refuge, food, or nourishment in such manner as to control the animal's actions, or that the animal(s) is treated as living at one's house.

(14) "Livestock" includes, but is not limited to, horses, mules, cattle, llama, sheep, swine, goats, poultry, and domestic rabbits.

(15) "Muzzle" means a fastening or covering of the mouth of an animal to prevent biting and made in a manner that will not cause injury to the animal or interfere with its vision or respiration.

(16) "Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having control or custody of an animal.

(17) "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the physical or verbal control of a dog handler.

(18) "Potentially dangerous dog" means any dog that, when unprovoked:

(a) Inflicts bites on a human or a domestic animal either on public or private property; or

(b) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

(19) "Premises" means any parcel of land and the structures thereon.

(20) "Proper enclosure" means securely confined indoors or in a securely enclosed

and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog.

(21) "Property" means anything of value, whether tangible or intangible, real or personal. Animals are personal property.

(22) "Provocation" includes, but is not limited to, a person committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or tormenting, abusing, or assaulting the dog, in any location, or has, in the past, been observed or reported to have tormented, abused, or assaulted a dog or has or was committing or attempting to commit a crime.

(23) "Public nuisance" means and includes any material violation of the provisions of this title. It also means and includes any unlawful act of omission or commission, which without any direct physical contact or interference endangers the lives, safety, health, comfort or property of the public.

(24) "Quarantine" means the strict confinement, isolation and observation of an animal that has inflicted a bite upon any person and where such bite has broken the skin.

(25) "Service animal" means any animal which is trained or being trained to aid a person who is blind, hearing impaired, or otherwise disabled, is used for that purpose and is registered with a recognized service animal organization.

(26) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(27) "Sterilized" means dogs and cats rendered permanently incapable of reproducing by surgical alteration, implantation of a device, or other physical

means. [Ord. 1133A § B, 1999; Ord. 1157, 1998; Ord. 1133 § 1, 1993]

6.05.020 Prohibited activities of dogs.

It shall be unlawful and a public nuisance for owners or keepers of any dog to permit their dog to:

(1) Habitually bark, howl, yelp, or make any other noise which disturbs the peace and quiet of any person to an unreasonable degree within Lewis County.

(2) Snap, snarl, growl, bite, jump at or upon or otherwise threaten persons, or to chase, run after or jump at livestock, domestic animals or vehicles when such persons, livestock or vehicles are not on the property of the owner or keeper of the dog, or are upon the sidewalks, roads or public rights-of-way upon or adjacent to the property of the owner or keeper.

(3) Destroy or damage any plant or animal or any other property or thing of value or to open a closed garbage container or scatter the contents therefrom or to deposit excrement or other solid waste on the property of persons other than the owner of the animal.

(4) Be in the water of a designated swimming area of a public beach.

(5) Be in a park, public beach, pond, fountain or upon any public playground or school grounds and not under physical restraint of a person by tether or leash of 10 feet or less in length; provided that this section shall not apply to any police dogs, service animals, animal shows or exhibitions, or organized dog training classes where approval is secured from the director of the Lewis County department of community services.

(6) Be a female dog in estrus (heat), not confined in a building or proper enclosure to come into contact with a male of the species, except for planned breeding, or be a male dog which strays, breaks into a pen of a female dog (properly confined) in estrus and subsequently impregnates the female. [Ord.

1133A § C, 1999; Ord. 1157, 1998; Ord. 1133 § 2, 1993]

6.05.030 Animals at large.

It shall be unlawful for the owner or a person having control or custody of any animal to allow such animal to enter or trespass onto private property or another without the express permission of the owner or caretaker of said property; or to allow said animal to run at large onto any public property within Lewis County. [Ord. 1133A § D, 1999; Ord. 1157, 1998; Ord. 1133 § 3, 1993]

6.05.040 Cruelty to animals.

It shall be unlawful for any person to:

(1) Recklessly kill, injure, torture, or torment any domestic animal.

(2) Negligently cause or allow any animal to endure pain, suffering, injury or to fail or neglect to aid or attempt to alleviate pain, suffering or injury he has caused to any animal.

(3) Neglect to provide adequate daily rations of food, water, air, light, space or shelter to any animal within his care, custody or control.

(4) Tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or render said animal incapable of consuming food or water, or access to shelter, or confine or restrain said animal in such a manner it is forced to lie in its own feces or any other material detrimental to its health.

(5) Abandon any animal by dropping off or leaving said animal on the street, road, or highway, or in a public place or private property. [Ord. 1157, 1998; Ord. 1133 § 4, 1993]

6.05.050 Dangerous animals.

It shall be unlawful and a public nuisance for an owner or keeper to allow any animal, either predatory or

nonpredatory, which, due to its size, habits, or natural propensities or instincts, represents a danger or potential danger to people or property and to be at large at any time, or to be off or outside of the owner's or keeper's premises, and not muzzled and/or not under physical restraint by a person of suitable age, discretion and capability to control such animal; provided, however this section shall not apply to police dogs as defined in RCW 4.24.410. [Ord. 1157, 1998; Ord. 1133 § 5, 1993]

6.05.060 Dangerous dogs.

(1) Registration Required. It shall be unlawful for an owner of a dog declared dangerous by the animal control authority or the animal control division of another city, county or state, to keep such dog unless such owner has procured a special registration. The special registration shall be obtained within five working days of commencement of residence in Lewis County, or five working days following declaration by the animal control authority or, if the declaration is timely appealed pursuant to this section, within seven working days following the mailing of a decision affirming such determination; provided, that the animal control authority may grant an extension upon a showing of good cause.

(2) Determination.

(a) The animal control authority may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definitions of this section. The animal control authority shall consider the following:

(i) Dog bite reports filed with the animal control authority as required by state law (RCW 16.08.080); or

(ii) Actions of the dog witnessed by any humane officer or law enforcement officer; or

(iii) The designation by any animal control officer authorized under local

or state laws; or authority pursuant to Chapter 16.08 RCW; or

(iv) Other evidence.

(b) The declaration of potentially dangerous or dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

(i) Certified mail to the owner's or keeper's last known address, if known; or

(ii) Personally; or

(iii) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

(c) The declaration shall state at least:

(i) A description of the dog;

(ii) The name and address of the owner or keeper of the dog, if known;

(iii) The whereabouts of the animal if it is not in the custody of the owner;

(iv) The facts upon which the declaration is based;

(v) The availability of a hearing in case the owner objects to the declaration, if a request is made within five business days;

(vi) The restrictions placed on the animal as a result of the declaration;

(vii) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(3) If the owner of the dog wishes to object to the declaration of potentially dangerous or dangerous dog:

(a) The owner may, within five working days of notification, as provided in subsection (2)(b), request a hearing by submitting a written appeal to the animal control authority.

(b) The appeal shall be heard within 10 calendar days by the hearing officer(s).

(c) If the hearing officer(s) finds that there is insufficient evidence to support the

declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

(d) If the hearing officer(s) finds sufficient evidence to support the declaration, he/she shall uphold the declaration and may impose additional restrictions.

(e) Following service of the declaration, and pending appeals under this section, the animal control authority may, if circumstances require, impound the dog at the owner's expense, pursuant to the provisions of this section.

(4) Registration Fees. The initial registration fee which includes two official signs with warning symbol for a dangerous dog shall be \$50.00; the annual renewal fee shall be \$25.00.

(5) Dangerous Dogs - Additional Requirements.

(a) The animal control authority shall issue a registration certificate to the owner of a dangerous dog only if the owner presents to the animal control authority sufficient evidence of:

(i) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign(s) that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

(ii) Insurance.

(A) A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog; or

(B) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(b) The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash of 10 feet or less in length and under physical restraint by a person of suitable age, discretion and capability to control such animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(c) Any dog that is determined to be dangerous must be permanently identified. The specific form of identification must be jointly agreed to by the owner/keeper and the county. Any cost associated with the identification procedure will be borne by the owner/keeper.

(6) Penalties. Notwithstanding the provisions of this code, and in addition to the penalties prescribed therein:

(a) Any dangerous dog shall be immediately confiscated if:

(i) The dog is not validly registered under this section;

(ii) The owner does not secure and maintain the surety bond or the liability insurance coverage required under this section;

(iii) The dog is not maintained in a proper enclosure;

(iv) The dog is outside of the dwelling of the owner, or outside of the proper enclosure and not muzzled and restrained by a substantial chain or leash of 10 feet or less in length and under physical restraint of a responsible person.

The owner of any dog confiscated under this subsection may recover such dog from the animal shelter division upon the payment of a civil penalty which shall be in the amount of \$250.00 plus \$7.00 per day for each day said dog has been in the control of the animal shelter division; provided, however, that in the event the owner has not picked up the dangerous dog within 10 days

of being notified as provided in subsection (2)(b) of this section by the animal control authority that such dog is under the control of the animal shelter division, the dog shall be destroyed in an expeditious and humane manner.

(b) The foregoing provisions for humane destruction of dogs shall be subject to the appeal process in subsection (3); provided, that a written appeal is filed with the animal control authority within five days of the impoundment.

(7) Police Dogs. This chapter shall not apply to police dogs. [Ord. 1157, 1998; Ord. 1133 § 6, 1993]

6.05.070 Impounding.

(1) The animal control authority may apprehend any animals regulated hereunder acting or kept in a manner contrary to this chapter, or any person may restrain any animal regulated hereunder for pick-up or delivery to the local animal shelter.

(2) After such animals are apprehended, the impound facility shall determine whether an owner can be identified, and, if an owner is identified, the impound facility shall attempt to notify the owner of the animal within 48 hours by telephone or certified mail or direct personal contact that the animal has been impounded and may be redeemed at the designated animal holding facility.

(3) Any animal impounded pursuant to this chapter shall be held for the owner not less than 72 hours after delivery of said animal to the Lewis County Animal Shelter. The 72-hour period must include three business days that the Lewis County Animal Shelter is open for business. Exceptions to this holding policy would be for any animal that is severely injured, diseased, or in any other manner poses a threat to the health, safety and welfare of other animals at the Lewis County Animal Shelter.

(4) Any animal not redeemed by its owner during the prescribed time, or which

is suffering from serious injury or disease, may be humanely destroyed, or at the discretion of the impounding authority may be held for a longer period and adopted by any qualified person, upon payment of reasonable medical, impound and holding costs.

(5) Provided, however, that no dog or cat shall be adopted without first being sterilized.

(6) No live animals shall be used, sold or donated for experimentation purposes.

(7) The owner of any animal impounded pursuant to the provisions of this section may recover said animal(s) when all billable costs incurred in such impoundment are tendered to the impound facility. [Ord. 1133A § E, 1999; Ord. 1157, 1998; Ord. 1133 § 7, 1993]

6.05.080 Injured or diseased animals.

(1) Any animal suffering from serious injury or disease may be humanely destroyed by the impounding authority; provided that the impounding authority notify the owner, if the owner is known, prior to destroying the animal.

(2) The impounding authority must document the nature of the injury or disease and record the date that the animal was destroyed. [Ord. 1157, 1998; Ord. 1133 § 8, 1993]

6.05.090 Redemption.

(1) Any animal impounded pursuant to the provisions of this chapter may be redeemed upon payment of the redemption fee as herein provided and upon evidence the violation has been corrected.

(2) The redemption fee for an animal is the cost of impoundment and care of the animal as follows:

(a) Impound Fee:

Dogs \$7.00 per day

Cats & Small Animals \$5.00 per day

Livestock \$8.00 per day

(b) Service Charge:

Dogs, Cats, and Small Animals

First Impound \$10.00

Second Impound (within one year of first impoundment) \$20.00

Third and Subsequent Impound (within any 12-month period) \$30.00

Livestock \$50.00

(c) In addition, all billable medical costs and livestock hauling fees are due at time of release of any animal.

(d) In the event livestock are not claimed or redeemed by the owner, they may be sold at public auction with the proceeds of the sales used to offset the county's cost of care and deposited to the general fund with the remainder to the owner, if known, or may be adopted at the discretion of the Lewis County Animal Shelter. [Ord. 1157, 1998; Ord. 1133 § 9, 1993]

6.05.100 Violation - Penalties.

(1) Any violation of LCC 6.05.020 and 6.05.030 shall be subject to the monetary penalties in LCC 1.20.020 and LCC 1.20.040.

(2) Any violation of LCC 6.05.040 through 6.05.060 shall be a gross misdemeanor punishable as provided in RCW 9A.20.021. [Ord. 1180 §5, 2002; Ord. 1157, 1998; Ord. 1133 § 10, 1993]

Chapter 6.10

STOCK RESTRICTED AREAS

Sections:

6.10.010 Established.

6.10.020 Provisions

6.10.010 Established.

The following described areas are hereby designated as stock restricted areas:

Beginning at the northwest corner of Section 18, Township 15 North, Range 5 West; thence south along the west boundary of Range 5 West to the southwest corner of Township 11 North, Range 5 West; thence east along the south boundary of Township 11 North to the summit of the Cascade Mountains; thence northerly along said summit to a point due east of the head of Nisqually River; thence west to the head of the Nisqually River; thence westerly down the channel of the River to a point two miles north of the line between Townships 14 and 15 North; thence west to the northwest corner of Section 26, Township 15 North, Range 4 West; thence north two miles to the northwest corner of Section 14, Township 15 North, Range 4 West; thence west to the place of beginning.

Commonly known as Lewis County, Washington, as described in RCW 36.04.210. [Ord. 1157, 1998; Order dated December 17, 1964]

6.10.020 Provisions

This chapter shall be governed by the provisions of Ch. 16.24 RCW. [Ord. 1157, 1998]